GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA

STARRED QUESTION NO:48
ANSWERED ON:18.11.2016
Amendment in MTP Act, 1971
Kumar Shri Ashwini

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether the Government has reviewed the implementation/working of the Medical Termination of Pregnancy (MTP) Act, 1971, and if so, the details thereof;

(b) the details of shortcoming/ deficiencies noticed in the working of MTP; and

(c) whether suggestions have been received from various quarters to amend the MTP Act, 1971, and if so, the details thereof along with the follow-up action taken thereon?

Answer

ANSWER
THE MINISTER OF HEALTH AND FAMILY WELFARE
(SHRI JAGAT PRAKASH NADDA)

(a) to (c): A statement is laid on the Table of the House

STATEMENT REFERRED TO IN REPLY TO LOK SABHA
STARRED QUESTION NO. 48* FOR 18TH NOVEMBER, 2016

(a) Yes, the implementation/working of the Medical Termination of Pregnancy Act has been reviewed from time to time. The details are placed at Annexure 1.

(b) The details of shortcomings noted in the working of MTP Act are as below −
1. Acute shortage of legally recognized and trained service providers for MTP has somewhat restricted the growth of safe abortion services particularly for rural women.
2. Restriction of upper limit of gestation up to 20 weeks is seen to be a hindrance for accessibility to safe abortion services especially for the vulnerable categories of women like the survivors of rape, incest etc. Similar difficulty is reported for pregnancies diagnosed with foetal abnormalities.

(c) Yes, suggestions were received from various quarters to amend the MTP act 1971. The details are placed at Annexure 2

Annexure 1
The MTP Act was passed in 1971 and enforced in the country in 1972. Subsequently, the MTP Rules were framed and enacted in 1975. Safe abortion services were integrated in the national programme and implemented through the 1980s and 90s.
In the light of the recommendation of the National Population Policy 2000 that laid down the need for strengthening and expanding facilities for safe abortion, the MTP act and Rules were amended in 2002-03. One of the significant changes in this amendment was decentralization of the approval to private facilities by the District authorities, in order to expand the provider base to private sector.
Regular review of the abortion services made available in the various states is done through quarterly reports and suggestions for strengthening interventions are conveyed to the states. National level consultations have also been held periodically to review the implementation of the MTP Act.

Annexure 2

Based on the recommendations of the National Commission for Women, it was agreed that the provision for increased gestation limit for safe abortion services for upto 24 weeks for survivors of rape, victims of incest ,single women and other vulnerable women(women with disabilities) , be considered.

The MoHFW had examined the provisions of the MTP Act 1971 through extensive consultations with the experts representing various stakeholders from Central and State Governments, NGOs, academic institutions, professional bodies and associations like Federation of Obstetric and Gynecological Societies of India (FOGSI), Indian Medical Association (IMA), AYUSH, Indian Nursing Council (INC) and legal professionals. A draft MTP (Amendment) bill was prepared by the Ministry of Law and Justice on the basis of the proposed amendments.

The draft MTP (Amendment) bill 2014 was put in the public domain (MoHFW website) and was also circulated to the concerned Ministries and their comments/suggestions have been incorporated in the proposed MTP (Amendment) bill.